Organisations across the public sector such as museums, libraries, archives, colleges and universities, are both users of third party content, as well as owners and generators of content protected by copyright. We therefore fundamentally value the principles behind copyright and respect third party rights. At the same, we also understand the need to ensure that copyright law is fair in “Recognising the need to maintain a balance between the rights of authors and the larger public interest, particularly education, research and access to information, as reflected in the Berne Convention”¹.

The EC Green Paper on Copyright in the Knowledge Economy is an important opportunity to review how copyright operates across the European Union. It is also an opportunity to acknowledge the contribution made to the Knowledge Economy by the Creative Industries, and by research and teaching institutions. We urge the European Commission and Parliament to consider the following issues when evaluating the responses to the Green Paper:

1. A harmonised approach to the copyright exceptions across the European Union will help us contribute fully to European Commission funded initiatives and preserve Europe’s digital culture and research for prosperity, as well as help “promote free movement of knowledge and innovation as a “fifth freedom” in the Single Market.”²

2. It is within everyone’s interests that the exceptions are easy to understand, media and technology-neutral and fit for purpose in the digital age. This makes their implementation and hence enforceability more effective.

3. Enshrining the copyright legislations within national laws by preventing them from being undermined by either contract law or technical protection measures, will ensure that our rights are safeguarded and we can contribute fully to the Knowledge Economy.

4. Legislative certainty across the European Union regarding works for which the rights holders cannot be traced or are unknown (“Orphan Works”) will unlock access to vast quantities of academically and culturally valuable works.

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¹ http://www.wipo.int/treaties/en/ip/wct/trtdocs_wo033.html#P45_2379  
² EC Commissioner Charlie McCreevy: Speech at Internal Market – Achievements and Challenges International Scientific Conference co-organised by the Commission Representation and the Faculty of International Affairs of the University of Economics, Bratislava, 29 November 2007